HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1334 (S/S) of 2007

Ramjeevan Niranjan S/o Jhunnial Niranja,
Presently working as I.T. Grade Teacher (Language),
Rajkiya Uchcha Madhyamik Vidhyalaya Kila,
Mangluar, District Haridwar. -------- Petitioner

Versus

1. State of Uttarakhand through Secretary
   Department of School Education,
   Govt. of Uttarakhand, Dehradun,
2. Director, School Education, Uttarakhand,
   Dehradun,
3. District Education Officer, Haridwar. ------ Respondents

Sri S.S. Yadav, learned counsel for the petitioner,
Sri N.P. Sah, learned Standing Counsel for the State/respondents,

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Yadav, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for State of Uttarakhand/ Respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari quashing the impugned transfer order dated 5.09.07 (annexure-3) passed by the respondent.

ii. Issue a writ, order or direction in the nature of mandamus directing the respondents not to disturb the functioning of the petitioner as Assistant Teacher at Rajkiya Uchcha Madhyamik Vidhyalaya Kila Manglaur, District Haridwar till the pendency of present case,

iii. Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case,

iv. Award cost of the petition in favour of the petitioner.

By the impugned order, the petitioner who is working as Assistant Teacher at Govt. Higher Secondary School, Kila Manglaur, District Haridwar has been transferred to Govt. Inter College, Basantpur, Pauri in pursuance of the order dated 13th August 2007.

Contention of the petitioner is that earlier he was posted as Assistant Teacher in Govt. Inter College, Basantpur, Pauri but vide the impugned order his transfer order has been cancelled.

The petitioner has taken stand that there is nothing in the transfer policy adopted by the Govt. in regard to those teachers who have already worked in remotest areas, further that the petitioner is not a surplus teacher; that the petitioner has already served about 10 years in remote areas and lastly the petitioner has yet not been relieved from the present institution as his reliever has yet not come.

Considering all these facts and in the interest of justice, I deem it fit and proper to direct the petitioner to make a representation before the respondents and the respondents while deciding the representation of petitioner are expected to permit the petitioner to work at the present place till 31st May 2008, provided the

petitioner submits undertaking before the Competent Authority that he will join at new place of posting in the first week of June 2008.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

December 7, 2007:
NCM: